

AMENDED IN SENATE APRIL 11, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 711**

**Introduced by Senator ~~Maldonado~~ Dutton**

February 22, 2005

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An act to amend Sections 38131 and 38134 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 711, as amended, ~~Maldonado~~ Dutton. School facilities: usage fees.

Existing law, the Civic Center Act, authorizes the governing board of a school district to grant the use of school facilities or grounds as a civic center for specified purposes, including, among others, the conduct of religious services by any church or religious organization, *on the condition that the use is temporary and that the church or religious organization has no suitable meeting place*. Existing law *also* requires a governing board to charge a fee, as specified, for the use of its school facilities for the conduct of religious services by a church or religious organization. Existing law allows a school district to charge a fee, as specified, for the use of its school facilities for all of the other specified purposes.

This bill would *remove those conditions and* delete the requirement that a fee be charged to a church or religious organization for the use of the facilities or grounds to conduct religious services.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 38131 of the Education Code is amended to read:

38131. (a) There is a civic center at each and every public school facility and grounds within the state where the citizens, parent-teachers' associations, Camp Fire girls, Boy Scout troops, farmers' organizations, school-community advisory councils, senior citizens' organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment pertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside.

(b) The governing board of any school district may grant the use of school facilities or grounds as a civic center upon the terms and conditions the board deems proper, subject to the limitations, requirements, and restrictions set forth in this article, for any of the following purposes:

(1) Public, literary, scientific, recreational, educational, or public agency meetings.

(2) The discussion of matters of general or public interest.

~~(3) The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization that has no suitable meeting place for the conduct of the services.~~

(4) Child care or day care programs to provide supervision and activities for children of preschool and elementary schoolage.

(5) The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies.

(6) Supervised recreational activities including, but not limited to, sports league activities for youths that are arranged for and supervised by entities if the youths may participate regardless of religious belief or denomination.

(7) A community youth center.

(8) Other purposes deemed appropriate by the governing board.

1 SEC. 2. Section 38134 of the Education Code is amended to  
2 read:

3 38134. (a) The governing board of any school district shall  
4 authorize the use of any school facilities or grounds under its  
5 control, if an alternative location is not available, to nonprofit  
6 organizations, and clubs or associations organized to promote  
7 youth and school activities, including, but not limited to:

8 (1) Girl Scouts, Boy Scouts, and Camp Fire, Inc.

9 (2) Parent-teachers' associations.

10 (3) School-community advisory councils.

11 This subdivision shall not apply to any group that uses school  
12 facilities or grounds for fundraising activities that are not  
13 beneficial to youth or public school activities of the district, as  
14 determined by the governing board.

15 (b) Except as otherwise provided by law, the governing board  
16 may charge an amount not to exceed its direct costs for use of its  
17 school facilities. Each governing board that decides to levy these  
18 charges shall first adopt a policy specifying which activities shall  
19 be charged an amount not to exceed direct costs.

20 (c) The governing board of any school district may charge an  
21 amount not to exceed its direct costs for use of its school  
22 facilities by any entity that arranges for and supervises sports  
23 league activities for youths as described in paragraph (6) of  
24 subdivision (b) of Section 38131.

25 (d) In the case of entertainments or meetings where admission  
26 fees are charged or contributions are solicited and the net receipts  
27 are not expended for the welfare of the pupils of the district or for  
28 charitable purposes, a charge shall be levied for the use of school  
29 facilities or grounds which charge shall be equal to fair rental  
30 value.

31 (e) If any group activity results in the destruction of school  
32 property, the group may be charged for an amount necessary to  
33 repay the damages, and further use of facilities may be denied.

34 (f) As used in this section, "direct costs" to the district for the  
35 use of school facilities or grounds means those costs of supplies,  
36 utilities, janitorial services, services of any other district  
37 employees, and salaries paid school district employees  
38 necessitated by the by the entity use of the school facilities and  
39 grounds of the district.

(g) As used in this section, “fair rental value” means the direct costs to the district, plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized.

(h) Any school district authorizing the use of school facilities or grounds under subdivision (a) is liable for any injuries resulting from the negligence of the district in the ownership and maintenance of those facilities or grounds. Any entity using school facilities or grounds under subdivision (a) is liable for any injuries resulting from the negligence of that entity during the use of those facilities or grounds. The district and the entity shall each bear the cost of insuring against its respective risks and shall each bear the costs of defending itself against claims arising from those risks. Notwithstanding any other provision of law, this subdivision shall not be waived. This subdivision does not limit or affect the immunity or liability of a school district under Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, for injuries caused by a dangerous condition of public property.

CORRECTIONS:

Correction Note – Page 1.